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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,107	11/09/2001	Nicholas V. Iuppa	01-592-US	2941
7590 LOUIS A. DEPAUL Reed Smith LLP P.O. Box 488 Pittsburgh, PA 15230-0488				
EXAMINER HADZONOZ, BANAFSHEH				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
05/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/036,107

**Applicant(s)**

IUPPA ET AL.

**Examiner**

Banafsheh Hadizonooz

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40, 43, 44, 47-53, 56, 57, 60-65, 83, 95, 119-125 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

In response to correspondence filed on 02/07/2008, Claims 40, 43, 44, 47-53, 56, 57, 60-65, 83, 95, 119-125, are pending. Claims 1-39, 45, 46, 54, 55, 58, 59, 66-73, 74-82, 84-94, 96-118 and 126-135 are cancelled. This office action is made Non-Final.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

- Patentability shall not be negated by the manner in which the invention was made;

**Claims 40, 43-46, 49, 51-53, 56-59, 62, 64-66, 74, 95 and 119-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotecka (US 6,296,487) in view of Best (U.S. Patent 5,358,259) further in view of O'Connor et al.(US 7, 156, 665).**

1. [Claims 40, 53, 66, 74, 95, 119]: Regarding Claims 40, 53, 66, 74, 95 and 119, Lotecka discloses providing simulation content, See Abstract. Lotecka discloses generating a representation of expected responses to the simulation content (i.e., a plurality of sentences the student may select). See Abstract. Lotecka discloses delivering the simulation content to on or more participants via a computer network (i.e.,

Internet). See Abstract. Lotecka discloses monitoring the one or more participants' responses to the simulation content (i.e., receiving student's selection) and providing feedback (i.e., a response scene) to the one or more participants based upon dramatic goals (i.e., goal) of the simulation. See Abstract. Lotecka discloses comparing the one or more participants' responses with the representation of expected responses to the simulation content and altering the simulation content in response to the one or more participants' responses based upon dramatic goals of the simulation, wherein the dramatic goals are based on dramatic storytelling. See Co1.5: 12-20. The invention set forth in Lotecka is considered to be a gaming simulation. Lotecka does not disclose a story that follows a series of events. However, Best teaches a story that follows a series of events (col. 3, lines 58 - 60), where player choices in a game move a story forward and prompt responses by in-game characters) wherein said dramatic goals are organized into a goal hierarchy, said goal hierarchy comprising an outline of all of said dramatic goals, further wherein each dramatic goal is comprised of sub-goals to be achieved prior to achieving each dramatic goal (fig. 8; where a branching story format creates a goal hierarchy, where each intermediate node is a sub-goal and each end node is a resolution to a story) in order to guide a player through a complex story game with many possible completion paths. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Lotecka with the character driven story game following a series of events of Best in order to guide a player through a complex story game with many possible completion paths. Lotecka/Best do not disclose a feedback system that provides feedback in

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response to user's input that helps him in progressing through the training. O'Connor discloses a goal based education system that provides feedback to the trainee in response to their input (See Fig.13, and Col.4, 6-21). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of O'Connor's invention into the system and method of Lotecka/Best in order to guide the user through the training session.

2. [Claims 43, 56]: Regarding Claims 43 and 56, Lotecka discloses wherein the step of delivering the simulation content comprises using multimedia technology (i.e., MACROMEDIA AUTHORWARE) for creating a realistic environment. See Co1.3: 27-34.

3. [Claims 44, 57]: Regarding Claims 44 and 57, Lotecka discloses the step of generating one or more synthetic characters. See Co1.4: 54-61. Lotecka does not disclose characters providing feedback which alters said simulation content. However, Best teaches characters providing feedback which alters said simulation content (col. 4, lines. 10 - 16; where a simulation scene changes after a player has already once participated in that simulation scene) in order to guide a player through a complex story game with many possible completion paths. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the game system of Lotecka with the character driven story game following a series of events of Best in order to guide a player through a complex story game with many possible completion paths.

4. [Claims 58]: Regarding Claim 58, Lotecka discloses wherein the feedback is provided by the one or more synthetic characters. See Col.5: 12-17.

5. [Claims 49, 59, 62]: Regarding Claims 49, 59, and 62, Lotecka discloses wherein the one or more synthetic characters are used to alter the simulation content (e.g., However, if she responded with a "Hi," (40% probability) then the student can click on next-button 9 (FIG.5) and move on to the next prompting scene...) and altering the simulation content in response to the one or more participants' responses. See Co1.5: 17-20.

6. [Claims 51, 64]: Regarding Claims 51 and 64, Lotecka discloses the step of delivering immersive audio to the one or more participants. See Co1.6: 28-30.

7. [Claims 52, 65]: Regarding Claims 52 and 65, Lotecka discloses wherein the computer network comprises the Internet. See Abstract.

**Claims 47-48, 60-61, 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotecka in view of Best, and further in view of Cook (US 5,727,950).**

1. [Claims 47, 60]: Regarding Claims 47 and 60, Lotecka does not disclose expressly wherein the feedback is provided by an instructor (i.e. agent). However, Cook teaches such in Co1.5: 46-48, Co1.5: 64-Co1.6: 12, and Co1.6:57-64 Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate wherein the feedback is provided by an instructor into the method and system of Lotecka, in light of the teaching of Cook, in order to provide feedback and help on ongoing instruction.

2. [Claims 48,61]: Regarding Claims 48 and 61, Lotecka does not disclose expressly

alerting an instructor of the one or more participants' responses when the one or more participants' responses deviate from the representation of the expected responses to the simulation content. However, Cook teaches such in Co1.13:46-64 and Co1.14: 8-16. A deviation from the representation of the expected responses to the simulation content is considered to be an error. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Lotecka, in light of the teaching of Cook, in order to track progress.

3. [Claim 83]: Regarding Claim 83, Lotecka does not disclose expressly an instructor interface for displaying information to an instructor, receiving input from the instructor (i.e. teacher/administrator, agent, instructional designer) and wherein the simulation content is presented by an instructor. However, Cook teaches such in Col.29: 41-Co1.30: 1-34. Lotecka does not disclose expressly an artificial intelligence engine (i.e. materials engine) for analyzing input into the one or more participant workstations and presenting the simulation content in response to the input to achieve dramatic goals of the simulation. However, Cook teaches such in Col.38: 59-61-Co1.39: 8-12. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Lotecka in light of the teaching of Cook in order to allow supervision of the student's use of the system and customizing of materials available to the students. The invention set forth in Lotecka is considered to be a gaming simulation. Lotecka discloses the step of delivering immersive audio to the one or more participants. See

Co1.6: 28-30. Examiner has corrected the citation above per Applicants' argument pertaining to the teaching of an artificial intelligence engine in Lotecka. Examiner maintains that Cook teaches an instructor interface for displaying information to an instructor, receiving input from the instructor (i.e. teacher/administrator, agent, instructional designer) and wherein the simulation content is presented by an instructor. Therefore, the rejection of the aforementioned limitation is proper.

Lotecka does not disclose dramatic goals organized in a goal hierarchy. However, Best teaches dramatic goals wherein said dramatic goals are organized into a goal hierarchy, said goal hierarchy comprising an outline of all of said dramatic goals, further wherein each dramatic goal is comprised of sub-goals to be achieved prior to achieving each dramatic goal (fig. 8; where a branching story format creates a goal hierarchy, where each intermediate node is a sub-goal and each end node is a resolution to a story), in order to organize the progression of a story for a player. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the character driven story game system of Lotecka with the character driven story game following a series of events of Best in order to organize the progression of a story for a player.

**Claims 50, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotecka in view of Best, and furthering view of Siddle.**

[Claims 50, 63]: Regarding Claims 50, and 63, Lotecka does not disclose expressly wherein the simulation content depicts military scenarios. However, Siddle teaches such on p.3, [0021] (i.e. firearms training, mission and/or duty to which a trainee is assigned).



Firearms training and depicting a mission and/or duty to which a trainee is assigned is considered to be a military scenario. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate simulation content that depicts military scenarios into the method and system of Lotecka, in light of the teachings of Siddle, in order to more completely train the user.

### ***Response to Arguments***

Applicant's arguments with respect to claim rejections based on U.S.C 103 (a) have been considered but are moot in view of the new ground(s) of rejection. The applicant argues that the Lotecka reference does not teach or suggest a dramatic character driven story based simulation content. The examiner notes that this feature has been disclosed by Best. The examiner emphasizes that Lotecka teaches a computerized simulation system that helps users to achieve a pedagogical goal such as better communication skill (See Abstract). Lotecka lacks a character driven story. This feature is disclosed in Best. In response to applicant's argument regarding the feature of providing feedback to the user, the examiner notes that Lotecka provides feedback that helps the user in achieving his/her goal (e.g. the responses are positive if the student's selection helps the student achieve his goal (See Abstract). O'Connor reference is introduced, which better relates to a simulation system that helps users in achieving pedagogical goal and provides feedback to the users along the way.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272- 6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

05/12/2008

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714